

AMENDED IN SENATE SEPTEMBER 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1219**

**Introduced by Assembly Member Montanez**

*(Coauthors: Assembly Members Dymally, Koretz, Laird, Longville,  
Mullin, Oropeza, and Steinberg)*

*(Coauthors: Senators Karnette, Romero, Soto, and Vasconcellos)*

February 21, 2003

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An act to add Chapter 10.8 (commencing with Section 6500) to Title 7 of Part 3 of, and to repeal Section 2053.4 of, the Penal Code, relating to ~~prisons~~ *prison education reform*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as amended, Montanez. ~~Prisons: inmate—Prison~~ *education reform*.

Existing law establishes the position of Superintendent of Correctional Education.

This bill, *the Prison Education Reform Act*, would repeal those provisions. The bill would establish the Robert E. Burton Correctional Education Board within the Department of Corrections. The board would be composed of 15 members, appointed as specified. The bill would require the board, among other duties and responsibilities, to approve education programs in correctional institutions and adopt rules and regulations for the admission of inmate students to these programs.

This bill would require the board to provide every inmate who has a reasonable expectation of release, as specified, with the opportunity to achieve a specified level of functional literacy, among other educational benefits, and an opportunity to obtain the equivalent of a

high school education if the inmate has demonstrated the intellectual capacity to benefit from that additional education. The board would also be required by the bill to provide college-level academic programs, as specified.

The bill would require the board to appoint a ~~Director~~ *Superintendent* of Correctional Education who would serve at the discretion of the board with the responsibility, among other things, to ensure that correctional education programs meet minimum performance standards and provide 9th grade literacy skills and marketable vocational skills, as specified.

This bill would additionally require the board to submit a report to the Legislature on or before January 1, 2006, with recommendations for further restructuring of correctional education in this state and focusing on, among other items, attaining parallel education structures between correctional and public education, funding sources, and correctional ~~student rights~~ *education curriculum*.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *The Budget Act of 2003 recognizes fiscal savings derived*
- 4 *from the effective implementation of prison education and*
- 5 *vocational programs.*
- 6 (b) *More than 20 states have established an independent*
- 7 *correctional educational district and have found that this change*
- 8 *in the structure of educational and vocational services reduces*
- 9 *recidivism significantly.*
- 10 (c) *A correctional system that reduces prison education*
- 11 *programs to an insignificant level and focuses solely on the*
- 12 *custodial functions creates an unbalanced situation for the*
- 13 *long-term stability of the criminal justice system. With this*
- 14 *emphasis, prison growth is inevitable. The current structure of*
- 15 *California's prison education system undervalues education, and*
- 16 *is hostile to rehabilitation. As a consequence, inmates will leave*
- 17 *prison worse off than when they were first incarcerated.*
- 18 (d) *The undermining of correctional education is often falsely*
- 19 *justified on the grounds of security, but it is an artificial security.*

1 *A majority of those in prison will eventually be released and*  
2 *therefore the state has an obligation to prepare them to be*  
3 *contributing members of society. Current correctional education*  
4 *policies endanger public safety by failing to provide inmates with*  
5 *a means to take positive control of their environment, both within*  
6 *prison, and after release.*

7 *(e) As the prison education system fails, parole crime increases,*  
8 *recidivism increases, and prison populations swell.*  
9 *Commensurately, the need for additional correctional resources*  
10 *increases. During economic downturns, when the state faces*  
11 *enormous fiscal pressures, increased correctional costs come at*  
12 *the expense of other critically needed programs.*

13 *(f) A comprehensive correctional educational program is an*  
14 *efficient use of state funds as it will allow tens of thousands of*  
15 *former inmates to become productive citizens.*

16 SEC. 1.3. Section 2053.4 of the Penal Code is repealed.

17 SEC. 2. Chapter 10.8 (commencing with Section 6500) is  
18 added to Title 7 of Part 3 of the Penal Code, to read:

19  
20 CHAPTER 10.8. ROBERT E. BURTON CORRECTIONAL EDUCATION  
21 BOARD  
22

23 6500. *This act shall be known, and may be cited as, the Prison*  
24 *Education Reform Act.*

25 6501. There is hereby established in the Department of  
26 Corrections the Robert E. Burton Correctional Education Board.  
27 As used in this chapter, “board” means the Robert E. Burton  
28 Correctional Education Board.

29 ~~6501.~~

30 6502. (a) The board shall be composed of 15 members  
31 selected as follows:

32 (1) The Superintendent of Public Instruction or his or her  
33 designee. Any designee selected by the superintendent shall have  
34 an interest and expertise in the area of adult or correctional  
35 education.

36 (2) An institutional supervisor of correctional education  
37 programs from the Department of Corrections appointed by the  
38 Director of Corrections.

39 (3) A representative of the Prison Industry Authority appointed  
40 by the Director of Corrections.

1 (4) A warden of a state prison appointed by the Director of  
2 Corrections.

3 (5) A vocational instructor from the Department of Corrections  
4 appointed by the Director of Corrections.

5 (6) An academic teacher from the Department of Corrections  
6 appointed by the Senate Committee on Rules.

7 (7) One public member not employed by a state agency  
8 appointed by the Senate Committee on Rules.

9 (8) A prison rights advocate appointed by the Speaker of the  
10 Assembly.

11 (9) One public member not employed by a state agency  
12 appointed by the Speaker of the Assembly.

13 (10) A representative of the University of California appointed  
14 by the President of the University of California.

15 (11) A representative of the California State University  
16 appointed by the Chancellor of the California State University.

17 (12) A representative of the California Community Colleges  
18 appointed by the Chancellor of the California Community  
19 Colleges.

20 (13) A special education teacher from the Department of  
21 Corrections, appointed by the Secretary for Education.

22 (14) One public member not employed by a state agency  
23 appointed by the Governor.

24 (15) A representative from the State Department of Labor,  
25 Division of Apprenticeship Standards *appointed by the Labor*  
26 *Commissioner*.

27 (b) Except for the terms of initial members, members shall be  
28 appointed for terms of four years. If a vacancy occurs, the  
29 appointing authority, as specified in subdivision (a), shall appoint  
30 a member for the remainder of that term. The terms of the initial  
31 members of the board shall expire as follows:

32 (1) The members selected under paragraphs (1), (2), ~~and (5)~~  
33 ~~(5), and (15)~~ of subdivision (a) shall expire on March 15, 2006.

34 (2) The members selected under paragraphs (4), (6), and (8) of  
35 subdivision (a) shall expire on March 15, 2007.

36 (3) The members selected under paragraphs (3), (10), (11), and  
37 (12) of subdivision (a) shall expire on March 15, 2008.

38 (4) The members selected under paragraphs (7), (9), (13), and  
39 (14) of subdivision (a) shall expire on March 15, 2009.

1 Successor members shall hold office for terms to commence on  
2 the expiration date of the term of the predecessor.

3 (c) Members of the board shall serve without compensation but  
4 shall be reimbursed for per diem and travel expenses incurred in  
5 the performance of their duties. *Members employed by state*  
6 *agencies shall receive their normal state salaries while serving on*  
7 *the board. Any costs incurred by the board shall be offset by a*  
8 *reduction in the current education program administrative staff,*  
9 *either Education and Inmate Program Unit administrative staff at*  
10 *Central Office or site principals.*

11 (d) The members of the board shall elect a chairperson of the  
12 board annually. *The chairperson shall meet regularly with the*  
13 *Director of Corrections to ensure that all actions taken by the*  
14 *board are in accordance with Department of Corrections rules and*  
15 *regulations relating to security.*

16 (e) The board shall meet at least six times each year. The  
17 meetings may be called by the chairperson of the board.

18 (f) In addition to funds allocated pursuant to subdivision (e) of  
19 Section ~~6502~~ 6503, the board may receive funds from any public  
20 or private source and is authorized to apply for any state or federal  
21 grants or funds that may be available.

22 ~~6502.~~

23 6503. The board shall do each of the following:

24 (a) Adopt and enforce all necessary rules and regulations for  
25 the management and operation of education programs within the  
26 Department of Corrections including operating procedures and the  
27 goals of correctional education in compliance with the  
28 Administrative Procedure Act (Chapter 3.5 (commencing with  
29 Section 11340); of Part 1 of Division 3 of Title 2 of the  
30 Government Code). All rules or regulations adopted by the board  
31 shall be in accordance with the rules and regulations of the  
32 Department of Corrections relating to security and any applicable  
33 rules or regulations adopted by the Superintendent of Public  
34 Instruction.

35 (b) Approve education programs of the appropriate levels and  
36 types in the correctional institutions and adopt rules and  
37 regulations for the admission of inmate students to these  
38 educational programs.

39 (c) Enter into agreements with public or private school  
40 districts, entities, community colleges, colleges, or universities, as

1 appropriate, for the purpose of carrying out the duties and  
2 responsibilities of the board. All agreements and contracts for  
3 instructional services shall expressly prescribe the qualifications  
4 of the board's expectations for instructors and the educational  
5 objectives to be met. In the identification and provision of special  
6 education services, the board shall establish all appropriate  
7 interagency agreements with service providers. All hiring  
8 decisions and other personnel matters with respect to correctional  
9 education programs shall be made by the board or their designee  
10 consistent with civil service regulations. No work currently being  
11 performed by state employees shall be assigned to contract  
12 employees.

13 (d) In conjunction with parole and other aftercare programs  
14 and consistent with the policies adopted by the board, develop and  
15 implement a plan for providing transitional educational services  
16 for inmates, including, but not limited to, counseling and  
17 placement services.

18 (e) Prepare that portion of the budget request of the Department  
19 of Corrections for correctional education programs.—~~The~~  
20 ~~allocation of funds designated for correctional education~~  
21 ~~programs shall be made by the board~~ *subject to review by the*  
22 *Director of Corrections. The budget allocation shall appear as a*  
23 *separate line item in the annual budget for the Department of*  
24 *Corrections.* After the annual Budget Bill has been passed by the  
25 Legislature and signed by the Governor, no funds appropriated by  
26 that Budget Bill for correctional education programs may be  
27 redistributed or diverted for other purposes without the approval  
28 of two-thirds of the entire board.

29 ~~(f)–~~ *Until the 2005–06 budget year, the budget for education*  
30 *programs shall remain at no less than the level appropriated by the*  
31 *Legislature for the 2003–04 budget. Prior to development of the*  
32 *2005–06 budget, the board, in cooperation with the Department*  
33 *of Corrections and the Department of Finance, shall determine the*  
34 *cost savings, if any, produced by education expenditure in the prior*  
35 *two budget years. These cost savings shall be allocated to enhance*  
36 *the education program budget for fiscal year 2005–06 if needed.*  
37 *Similarly, a portion of program savings in subsequent years may*  
38 *be allocated to enhance education programs, as needed.*

39 (f) *Conduct annual reviews of program cost effectiveness and*  
40 *make recommendations, including, but not limited to,*

1 *improvement of programs to lower recidivism, consolidation of*  
2 *administrative functions to lower costs, and ways to reduce*  
3 *operational costs.*

4 (g) Provide each of the educational opportunities set forth in  
5 paragraphs (1) to (4), inclusive, to inmates while in prison *and in*  
6 *state-operated transitional facilities and programs. However, the*  
7 ~~board is not required to provide educational opportunities to~~  
8 ~~inmates upon the inmate's release from prison.~~

9 (1) Provide every inmate who has a reasonable expectation of  
10 release from custody with the opportunity to achieve functional  
11 literacy, specifically the ability to read and write the English  
12 language and to perform routine mathematical functions at a ninth  
13 grade level prior to his or her release or expiration of sentence. If  
14 the inmate has demonstrated the intellectual capacity to benefit  
15 therefrom, the board shall provide that inmate with the opportunity  
16 to obtain the equivalent of a high school education.

17 (2) Provide every inmate who has a reasonable expectation of  
18 release from custody with the opportunity to achieve entry-level  
19 vocational skills in occupational fields in which there is a  
20 demonstrable demand within the economy of this state.

21 (3) Provide every inmate to be released from custody with life  
22 management skills and social adaptation skills to allow the inmate  
23 to function successfully in society.

24 (4) Provide inmates who demonstrate college-level academic  
25 capacity with the opportunity to engage in college-level academic  
26 programs within correctional facilities. The associated costs of  
27 these programs shall be borne by the inmate or generated by  
28 private or foundation funding, *subject to evaluations for cost*  
29 *effectiveness and recommendations as provided in subdivision (f).*

30 (g) Visit and inspect correctional schools as the board deems  
31 necessary and may name each correctional school if necessary.

32 ~~6503.~~

33 6504. There is hereby established the position of  
34 Superintendent of Correctional Education who shall be appointed  
35 by the board and shall serve at the pleasure of the board. The  
36 Superintendent of Correctional Education shall meet the same  
37 qualifications as required of a school district superintendent. The  
38 superintendent shall do each of the following:



1 (a) Ensure that correctional education programs meet  
2 minimum performance standards and provide ninth grade literacy  
3 skills and marketable vocational skills.

4 (b) In cooperation with the State Department of Education,  
5 develop a procedure by January 1, 2005, to evaluate the  
6 effectiveness of correctional education programs, including  
7 criteria similar to those utilized by the State Department of  
8 Education. An evaluation shall be done on a biennial basis  
9 thereafter.

10 (c) (1) Ensure that all education staff are certified in  
11 accordance with the State Department of Education standards by  
12 January 1, 2006. Provision shall be made for the development of  
13 individual plans, approved by the director, in the event any current  
14 education staff member does not qualify for certification. In lieu  
15 of certification, correctional librarians shall hold a master's degree  
16 in library science from a library program accredited by the  
17 American Library Association.

18 (2) Ensure that in performing educational services, the  
19 members of the education staff do not perform peace officer duties.

20 (3) Ensure that educational staff adhere to institutional security  
21 standards and maintain safety status to continue the institutional  
22 security and protection of the public safety.

23 (d) Develop a procedure for maintaining a list of substitute  
24 teachers so that students are not displaced in the event a regular  
25 instructor is absent for any reason.

26 (e) Develop a mechanism to test all offenders committed to the  
27 custody of the Department of Corrections for academic  
28 achievement unless the offenders are specifically excluded from  
29 the testing requirement by board policy. Standards shall be in  
30 accordance with acceptable State Department of Education testing  
31 standards for academic achievement.

32 (f) Develop a five-year comprehensive plan for a unified  
33 correctional school system by June 1, 2006. This unified school  
34 system shall not constitute a school district nor any other local  
35 educational agency. The plan shall have a three-year phase-in  
36 schedule and shall require the ~~director~~ *superintendent* to do each  
37 of the following:

38 (1) Work with the Prison Industry Authority to develop  
39 training programs for offenders.

40 (2) Develop measurable objectives for correctional education.



1 (3) Develop quality control mechanisms for correctional  
2 education.

3 (4) Integrate academic education and vocational education  
4 with participation in prison industries programs.

5 (g) Be responsible to the board for all academic education and  
6 vocational training programs.

7 (h) Ensure that vocational education programs complement  
8 existing Prison Industry Authority programs whenever possible.

9 (i) In conjunction with the Department of Corrections,  
10 determine conditions under which an inmate may be removed  
11 from an education program or the classroom. The conditions  
12 developed for removal of an inmate from an education program or  
13 the classroom shall be consistent with any regulations or policies  
14 of the Department of Corrections as well as any federal laws.

15 (j) Conduct a survey of all correctional institutions to identify  
16 inmates with special education needs and develop a plan whereby  
17 those special needs are addressed.

18 (k) Develop and implement an ongoing teacher training  
19 program in correctional education in conjunction with the  
20 Commission on Teacher Credentialing.

21 (l) Make recommendations to the board concerning the budget,  
22 selection of instructional materials, and curriculum.

23 (m) Take responsibility for performing any duties that the  
24 board may otherwise assign.

25 ~~6504.~~

26 6505. The board shall submit a report to the Legislature on or  
27 before January 1, 2006, with recommendations for further  
28 restructuring of correctional education in this state. The report  
29 shall focus on, but not be limited to, each of the following:

30 (a) Attaining parallel education programs between correctional  
31 and public education.

32 (b) Correctional education governance system.

33 (c) Funding sources.

34 (d) Correctional education curriculum.

35 (e) Correctional library standards.

36 (f) Correctional teacher training.

37 (g) Appropriate correctional education liaisons with the greater  
38 educational community in this state.

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